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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,736	03/08/2001	Seiichi Matsui	0879-0303P	4772

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EXAMINER
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JELINEK, BRIAN J

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/800,736

Applicant(s)

MATSUI ET AL.

Examiner

Brian Jelinek

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### ***Response to Amendment***

The Examiner respectfully submits a response to the amendment received on 11/24/2004 of application no. 09/800,736 filed on 3/8/2001 in which claims 7-8 are currently pending.

### ***Specification***

The Examiner thanks the Applicant for correcting the Title.

### ***Arguments***

The Applicant's arguments have been fully considered but they are not persuasive. Please refer to the following office action, which clearly sets forth the reasons for non-persuasiveness.

Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In particular, Lathrop discloses capturing, A/D converting, temporarily storing, processing, and final storing image data captured with a CCD image sensor. Furthermore, Takemura discloses that processing comprises setting a condition of image processing and displaying the resulting processed image so that a user may verify that the processing condition actually produced the desired effect.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to enable a user to manually set an image property parameter in order to ensure that the selected property parameter actually results in a desired finish. As a result, it is clear that the combination of Lathrop and Takemura, in further view of Shinsky, clearly discloses the limitations of claim 7 as amended.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop (U.S. Pat. No. 6,288,743) in view of Takemura (Foreign Pub. No. JP 11088672 A).**

*Please note that the Examiner is using Takemura (U.S. Pat. No. 6,657,658) as a translation of Takemura (Foreign Pub. No. JP 11088672 A).*

Regarding claim 8, Lathrop discloses an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 1, element 16); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, element 18); a first buffer which stores the digital image signal outputted from the A/D converter as unprocessed image data (Fig. 1, element 32); a signal processing device which processes the unprocessed

image data read out from the first buffer into a processed image data (Fig. 1, element 22); a second buffer which stores processed image data outputted from the signal processing device (Fig. 1, element 32); and a display which displays an image represented by the processed image data processed by the signal processing device (Fig. 1, element 40). Furthermore, Lathrop teaches the image processing algorithms perform interpolation, color correction, tone correction, and edge enhancement (col. 4, lines 1-18). Lathrop does not disclose processing image data in accordance with an image property parameter; an image property setting device through which an instruction is inputted to change data of the image property parameter; and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device in accordance with the data of the image property parameter set with the image property setting device.

However, Takemura discloses a digital camera signal processing device which processes unprocessed image data into a processed image data in accordance with an image property parameter (Fig. 6, elements 102 and 103); an image property setting device through which an instruction is inputted to change data of the image property parameter (Fig. 6, element 102 and 103); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (Fig. 2, element 11). One of ordinary skill in the art would have enabled a user to manually set an image property parameter, such as the color balance correction

of Takemura (Figs. 3 and 4), instead of the automatic color correction of Lathrop (Lathrop: col. 4, lines 1-18) in order to ensure that the selected property parameter actually results in a desired finish (Takemura: col. 1, lines 60-67). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to enable a user to manually set an image property parameter in order to ensure that the selected property parameter actually results in a desired finish.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop (U.S. Pat. No. 6,288,743), in view of Takemura (Foreign Pub. No. JP 11088672 A), and further in view of Shinsky et al. (U.S. Pat. No. 6,285,398).**

*Please note that the Examiner is using Takemura (U.S. Pat. No. 6,657,658) as a translation of Takemura (Foreign Pub. No. JP 11088672 A).*

Regarding claim 7, Lathrop discloses an electronic camera, comprising: an imaging device which converts an optical image into an analog image signal (Fig. 1, element 16); an A/D converter which converts the analog image signal outputted from the imaging device into a digital image signal (Fig. 1, element 18); an unprocessed data storing device which stores the digital image signal outputted from the A/D converter as unprocessed image data (Fig. 1, element 32); a signal processing device which processes the unprocessed image data read out from the unprocessed data storing device into a processed image data (Fig. 1, element 22); and a display which displays an image represented by the processed image data processed by the signal processing device (Fig. 1, element 40). Furthermore, Lathrop teaches image processing algorithms

perform interpolation, color correction, tone correction, and edge enhancement (col. 4, lines 1-18). Lathrop does not disclose a signal processing device which processes the unprocessed image data read out from the unprocessed data storing device into a processed image data in accordance with an image property parameter; an image property setting device through which an instruction is inputted to change data of the image property parameter; and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device, wherein the display displays at least one of histogram, average level, peak level, and bottom level of the result of the image processing, which is processed according to the image property setting designated by a user.

However, Takemura discloses a digital camera signal processing device which processes unprocessed image data into a processed image data in accordance with an image property parameter (Fig. 6, elements 102 and 103); an image property setting device through which an instruction is inputted to change data of the image property parameter (Fig. 6, element 102 and 103); and a display which displays an image represented by the processed image data processed by the signal processing device in accordance with the data of the image property parameter set with the image property setting device (Fig. 2, element 11). One of ordinary skill in the art would have enabled a user to manually set an image property parameter, such as the color balance correction of Takemura (Figs. 3 and 4), instead of the automatic color correction of Lathrop (Lathrop: col. 4, lines 1-18) in order to ensure that the selected property parameter

actually results in a desired finish (Takemura: col. 1, lines 60-67). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to enable a user to manually set an image property parameter in order to ensure that the selected property parameter actually results in a desired finish.

Neither Lathrop nor Takemura disclose the display displays at least one of histogram, average level, peak level, and bottom level of the result of the image processing, which is processed according to the image property setting designated by a user.

However, Shinsky discloses a graphical user interface displays images captured by a CCD; provides the user with control inputs to adjust the contrast, brightness, and hue of the picture; and allows a user may view a histogram of the image (col. 9, lines 40-50). One of ordinary skill in the art would have allowed a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings (col. 10, lines 54-58). As a result, it would have been obvious to one of ordinary skill in the art at the time of the invention to have allowed a user to view a histogram of an image captured by a CCD for the purpose of showing the user the distribution of pixel values in order to optimize image settings.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP




§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Jelinek whose telephone number is (571) 272-7366. The examiner can normally be reached on M-F 8:00 am - 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached at (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Jelinek  
3/28/2005

  
TUAN HO  
PRIMARY EXAMINER